



United States Department of the Interior

NATIONAL PARK SERVICE
Northeast Region
200 Chestnut Street
Philadelphia, PA 19106

IN REPLY REFER TO:

A98(NER-RS&S/NRP)

February 28, 2006

Department of the Interior
Minerals Management Service
Rules Processing Team
381 Eldon Street, MS-4024
Herndon, Virginia 20170-4817

Dear Rules Processing Team:

This is in reference to the Advance Notice of Proposed Rulemaking for Alternate Energy-Related Uses on the Outer Continental Shelf, dated December 30, 2005 (70 FR 77345). The National Park Service (NPS) offers the following comments for your consideration. The Minerals Management Service's (MMS) effort to develop a regulatory program to implement portions of the Energy Policy Act of 2005, Section 388 – Alternate Energy-Related Uses of the Outer Continental Shelf (OCS), is an important step in allowing for the development of energy resources, other than oil and gas, in OCS areas. We understand that MMS anticipates that development of renewable energy sources such as wind, wave, current, and solar may take place in these areas as well as possible alternate uses of existing facilities including aquaculture, research, education, recreation, and support for other offshore operations.

General

The NPS recommends requiring a bond for the de-installation of any facilities, which may be permitted in the OCS. If a wind farm, or other alternative energy use, becomes unprofitable, and the independent system operator abandons it, there should be money set aside for the removal of the equipment. The reliability of the selected equipment and its performance in the salty and wet environment, which is not ideal for mechanical equipment, may lead to the independent operator abandoning the endeavor.

In addition, the applicant should be required to include a quantification of the negative impacts to the shoreline in the cost to benefit analysis (e.g., the loss of open vistas in urbanized areas without much open space left and/or the noise disturbance to humans and

wildlife that use the open space). The assumptions and calculations for the quantification of these negatives should be reviewed and approved by affected agencies.

Program Area: Access to OCS Lands and Resources

Specific to Question (11), MMS should consider the following environmental criteria: (a) is the proposed leasing near a sensitive resource area? (b) Could the proposed leasing impact a unit of the national park system such as a national seashore or a national park? Could it impact national natural landmark or a national historic landmark sites? Impacts could be defined as direct, indirect, or cumulative impacts to the natural or cultural resources, or visitor experience.

MMS should include in the rulemaking that any project-related action that may affect NPS units (i.e. accessing park lands/waters for surveys) will require permits from the National Park Service.

Program Area: Environmental Information, Management, and Compliance

Specific to Question (12), MMS should require any type of environmental information that will determine the level of impact a leasing program might have. For example, it should consider geological resources; air quality; soundscapes; water quality and quantity; streamflow characteristics (if applicable); marine or estuarine resources; floodplains or wetlands; land use; rare plants or plant communities; species of special concern (plant or animal; state or federal listed or proposed for listing); unique ecosystems; biosphere reserves; unique or important wildlife or wildlife habitat; unique, essential or important fish or fish habitat; recreation resources; visitor experience; archeological resources; cultural landscapes; historic view sheds; socioeconomics; long-term management of resources or land/resource productivity. Additionally, MMS should require the use of native plants when designing site restoration plans.

Specific to Question (13), site-specific studies should be conducted pursuant to NEPA. If NEPA requirements have been waived by the 2005 Energy Act, then a process similar to NEPA's requirement to analyze site-specific impacts should be implemented. Those private entities/companies seeking leases should be required to conduct the site-specific environmental analysis.

In general, MMS should be the lead agency for any NEPA/NHPA required actions. Any offshore project should require a DEIS and all proposed actions should have public scoping and public review process. Cumulative impacts related to fisheries, critical habitat and migratory species, over the long term, should to be analyzed. The MMS and developmental agency/organization/company should develop a long-term monitoring program for biological and water quality resources related to project development and activities.

Program Area: Coordination and Consultation

Specific to Question (32), the establishment of Federal/state cooperatives would be useful. Comments should be solicited broadly as to what areas should be included or excluded, with subsequent coordination being directed to the areas targeted for inclusion.

Specific to Question (33), every stage should be considered a critical stage for consultation and coordination.

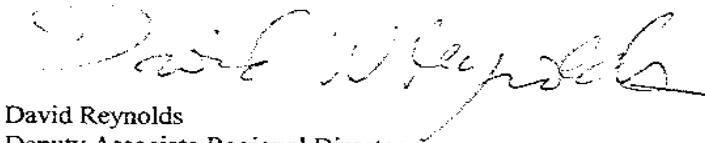
Specific to Question (34), detailed consultation and coordination procedures should be codified in the federal regulations to ensure that MMS complies with these requirements fully and to ensure that they are third party enforceable. Early consultation with parties that may be affected by alternative energy proposals, such as those contemplated in the proposed rulemaking, will often lead to a more robust NEPA and permitting process. Possible conflicts between the various agency mandates can often be resolved much earlier in the process through consultation resulting in less delay and less expense in the development of important and necessary renewable energy resources or alternative uses of existing OCS structures.

Specific to Question (35), the MMS can develop strict timelines for interagency commenting, document review, etc.

In general, during the early stage of consultation, MMS should meet with the various state and federal agencies that have jurisdiction over public lands/waters in order to better understand these agencies concerns with off shore development projects. During the public scoping period for a draft environmental impact statement, MMS should extend invitations to federal agencies that may be interested in participating as cooperating agencies in the environmental impact statement development process.

Thank you for the opportunity to comment on this important Advanced Notice of Rulemaking regarding Alternate Energy-Related Uses on the Outer Continental Shelf. If you have any questions, or if we can be of any further assistance, please contact me at telephone (215) 597-5372, email david_w_reynolds@nps.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "David W. Reynolds", written over a light blue horizontal line.

David Reynolds
Deputy Associate Regional Director
Natural Resources & Science